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By: **Delegate Minnick (Baltimore County Administration) and Delegate Kach**

Introduced and read first time: February 2, 2004  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages - Hunt Valley Commercial/Mixed**  
3 **Use Focal Point**

4 FOR the purpose of authorizing the Baltimore County Board of License  
5 Commissioners to transfer a certain number of beer, wine and liquor (on-sale)  
6 retail alcoholic beverages licenses in existence in Election District 15 into the  
7 Hunt Valley Commercial/Mixed Use Focal Point; requiring the licenses to be  
8 converted into Class B (HV) restaurant beer, wine and liquor licenses; providing  
9 for certain restrictions, qualifications, and conditions with respect to the  
10 licenses and the establishments subject to the licenses, including hours of  
11 operation, percentage of receipts from the sale of food, seating capacity, zoning  
12 regulations, and other requirements; prohibiting the transfer of a license issued  
13 under this Act to a new location other than the original location; and generally  
14 relating to alcoholic beverages licenses in Baltimore County.

15 BY adding to  
16 Article 2B - Alcoholic Beverages  
17 Section 8-204.4  
18 Annotated Code of Maryland  
19 (2001 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 2B - Alcoholic Beverages**

23 8-204.4.

24 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

25 (B)(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS AND  
26 IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE UNDER THIS ARTICLE,  
27 THE BOARD OF LICENSE COMMISSIONERS MAY AUTHORIZE THE TRANSFER OF TWO  
28 BEER, WINE AND LIQUOR (ON-SALE) RETAIL LICENSES IN EXISTENCE IN ELECTION

1 DISTRICT 15 ON JULY 1, 2004, AND VALID ON THE DATE OF TRANSFER INTO THE  
2 "HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT" AS DESIGNATED IN THE  
3 HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY  
4 COUNCIL ON OCTOBER 19, 1998.

5 (2) A LICENSE TRANSFERRED UNDER THIS SECTION:

6 (I) MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT IS  
7 PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER  
8 THAN CROSSING DISTRICT LINES;

9 (II) SHALL BE CONSIDERED A REGULAR LICENSE AND NOT AN  
10 EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF  
11 LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON THE RULE OF THE  
12 BOARD OF LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF  
13 LICENSES AVAILABLE BY POPULATION;

14 (III) SHALL BE CONVERTED INTO A CLASS B (HV) LICENSE; AND

15 (IV) AS OF THE DATE OF TRANSFER, MAY NOT BE CONSTRUED TO  
16 EXIST IN DISTRICT 15.

17 (C) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, THE  
18 RESTRICTIONS AND QUALIFICATIONS FOR THE ISSUANCE AND FEE OF THE CLASS B  
19 (HV) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL LICENSE UNDER THIS  
20 SECTION, THE MINIMUM SQUARE FOOT AREA REQUIREMENT FOR FOOD AND  
21 BEVERAGE PREPARATION AND CONSUMPTION IN THE LICENSED ESTABLISHMENT,  
22 AND THE DAYS AND HOURS OF SALE FOR THE LICENSED ESTABLISHMENT SHALL BE  
23 THE SAME AS THE RESTRICTIONS AND QUALIFICATIONS PROVIDED FOR IN THIS  
24 ARTICLE AND IN THE REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS  
25 FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT  
26 LICENSE.

27 (D) THE FOLLOWING ADDITIONAL REQUIREMENTS APPLY TO THE CLASS B  
28 (HV) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL LICENSE  
29 ESTABLISHED BY THIS SECTION:

30 (1) THE LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE  
31 "HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT" AS DESIGNATED IN THE  
32 HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY  
33 COUNCIL ON OCTOBER 19, 1998;

34 (2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE  
35 OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE  
36 REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS;

37 (3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY  
38 RECEIPTS FROM THE SALE OF THE FOOD OF AT LEAST 70% OF THE TOTAL DAILY  
39 RECEIPTS OF THE ESTABLISHMENT;

1           (4)     THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED  
2 PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES  
3 MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT;  
4 AND

5           (5)     SUBJECT TO THE PROVISIONS OF SUBSECTION (H) OF THIS SECTION,  
6 THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE  
7 EXERCISED MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.

8     (E)     THE LICENSE AUTHORIZES ON-PREMISES SALES ONLY.

9     (F)     THE PROPOSED PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING  
10 REGULATIONS.

11    (G)     (1)     ONCE ISSUED, THE LICENSE MAY NOT BE:

12                   (I)     TRANSFERRED TO A NEW LOCATION OTHER THAN THE  
13 ORIGINAL LOCATION FOR WHICH THE LICENSE WAS ISSUED; OR

14                   (II)    CONVERTED INTO ANY OTHER CLASS OF LICENSE.

15           (2)     HOWEVER, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT  
16 PROHIBIT THE OWNERSHIP OF THE LICENSE TO BE TRANSFERRED.

17    (H)     ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY  
18 UNTIL 1:30 A.M.

19    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 July 1, 2004.